

2012 No. 2111

HOUSING, ENGLAND

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(Amendment)(England) Regulations 2012

<i>Made</i>	- - - -	<i>11th August 2012</i>
<i>Laid before Parliament</i>		<i>17th August 2012</i>
<i>Coming into force</i>	- -	<i>10th September 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 63(5) and (6), 87(5) and (6) and 250(2) of the Housing Act 2004(a):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(Amendment)(England) Regulations 2012 and come into force on 10th September 2012.

(2) In these Regulations “the Principal Regulations” means the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(b).

Amendment

2.—(1) The Principal Regulations are amended as set out in paragraphs (2) and (3).

(2) In regulation 7—

(a) for paragraph (2), substitute—

“(2) An applicant must supply as part of his application—

(a) if the application is a renewal application, the information referred to in paragraph 2(a) and (b) of Schedule 2;

(b) if the application is not a renewal application, the information referred to in paragraph 2(a) to (g) of that Schedule; and

(c) in either case, the information relating to the proposed licence holder or proposed manager of the HMO or house specified in paragraph 3 of that Schedule.”;

(b) for paragraph (3) substitute—

“(3) An applicant must—

(a) 2004 c. 34.

(b) S.I. 2006/373. The Principal Regulations were amended by S.I. 2007/1903 and S.I. 2009/1307.

- (a) supply with the application completed and signed declarations in the form specified in paragraph 4 of Schedule 2;
 - (b) if the application is a renewal application, supply in addition a completed and signed declaration in the form specified in paragraph 5 of that Schedule; and
 - (c) in either case, sign the application.”.
- (c) after paragraph (10) add—

“(11) In this regulation “renewal application” means an application for a licence under section 63 or 87 of the Act where, at the time the application is made a licence of the kind applied for is already held by the applicant and has effect in respect of the HMO or house.”.

- (3) In Schedule 2 after paragraph 4, add—

“5. The form of declaration mentioned in regulation 7(3)(b) is as follows—

I/We declare that the house in respect of which a licence is sought under Part 2/Part 3 of the Housing Act 2004 is subject to a licence under that Part at the time this application is made. I/We further declare that to the best of my/our knowledge either: (a) none of the information described in paragraph 2(c) to (g) of that Act and previously submitted to the authority has materially changed since that licence was granted; or (b) the only material changes to that information are described as follows: [include description of all material changes].”.

Transitional Provisions

3. The amendments made by these Regulations shall not have effect in relation to applications submitted prior to the day these Regulations come into effect.

Signed by authority of the Secretary of State

11th August 2012

Andrew Stunell
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (“the 2006 Regulations”) so as to reduce the information requirements for applications for the renewal of licences for Houses in Multiple Occupation (HMOs) requiring a licence under Part 2 of the Housing Act 2004 (c. 34), and for houses requiring a licence under Part 3 of that Act.

Regulation 2(1)(a) and (c) amend regulation 7 of the 2006 Regulations so that, where an application under Part 2 or 3 is a renewal application (that is, where a licence of the kind sought already exists at the time the application is made), the information required by paragraph 2(c) to (g) of Schedule 2 to those Regulations is not required. Instead, the applicant is required to declare that the information in question has not materially changed since the existing licence was granted, or to set out any material changes as part of the declaration. The form of declaration is added to Schedule 2 by regulation 2(3) of these Regulations.

Regulation 3 sets out the transitional provisions so that the amendments made by these Regulations will not apply to applications submitted prior to the day these Regulations come into effect.

An impact assessment has been prepared in relation to this instrument and is available alongside the explanatory memorandum at www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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Occupation and Other Houses (Miscellaneous
Provisions)(Amendment)(England) Regulations 2012

£4.00

E4265 08/2012 124265T 19585

ISBN 978-0-11-152821-1



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